

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

United States of America,

Plaintiff,

Case No. 16-20479

v.

Judith E. Levy

United States District Judge

Dartez Lamar Mahone,

Defendant.

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**ORDER DENYING DEFENDANT'S RENEWED MOTION FOR  
COMPASSIONATE RELEASE WITHOUT PREJUDICE [35]**

On or about June 4, 2020, Defendant Dartez Lamar Mahone filed a motion for compassionate release. (ECF No. 31.) On July 29, 2020, the Court issued an opinion and order denying Defendant's motion without prejudice. (ECF No. 34.) In that opinion, the Court explained that because "Defendant [did] not argue that he has any underlying health conditions that place him at increased risk of severe illness and death from a COVID-19 infection" he had "not shown that extraordinary and compelling reasons justify his release[.]" (*Id.* at PageID.160–161.)

On or about October 19, 2020, Defendant filed a renewed motion for compassionate release.<sup>1</sup> (ECF No. 35.) In his motion, Defendant asserted that he was renewing his motion because “things have changed for the worse” at his facility. (*Id.* at PageID.163.) He indicated that, at the time of his motion, Federal Correctional Institution (FCI) Pekin in Illinois was experiencing a significant COVID-19 outbreak involving more than 90 inmates and staff.<sup>2</sup> (*Id.*) Defendant also indicated that the facility was on lockdown, he did not have access to appropriate hygiene or medical supplies, and he felt his life was in danger. (*Id.*) However, Defendant reiterated in his motion that he did not have any underlying medical conditions. (*Id.* at PageID.164.)

As the Court explained in its prior opinion, Defendant’s concerns about the risks of the COVID-19 pandemic generally—without an underlying medical condition placing him at a greater risk of severe illness or death—are insufficient to demonstrate “extraordinary and compelling circumstances” under § 1B1.13 of the United States

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<sup>1</sup> The Court apologizes to Defendant for the delay in resolving this motion.

<sup>2</sup> It appears from the Bureau of Prisons website that Defendant is currently housed at United States Penitentiary (“USP”) Beaumont in Texas.

Sentencing Guidelines in effect at the time Defendant filed his renewed motion.<sup>3</sup> (See ECF No. 34, PageID.159–161.) More recently, the Sixth Circuit has explained that “a defendant’s incarceration during the COVID-19 pandemic—when the defendant has access to the COVID-19 vaccine—does not present an ‘extraordinary and compelling reason’ warranting a sentence reduction.” *United States v. Lemons*, 15 F.4th 747, 751 (6th Cir. 2021) (citing *United States v. Broadfield*, 5 F.4th 801, 803 (7th Cir. 2021)).

Accordingly, the Court DENIES Defendant’s renewed motion for compassionate release (ECF No. 35) without prejudice.

IT IS SO ORDERED.

Dated: November 15, 2023  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge

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<sup>3</sup> Amendments to § 1B1.13 of the United States Sentencing Guidelines recently went into effect on November 1, 2023.

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on November 15, 2023.

s/William Barkholz  
WILLIAM BARKHOLZ  
Case Manager